**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**
**CRIMINAL APPLICATION NO.6026 OF 2005**

Akhatar Ali Imam Shamshuddin Patil & Ors. ...Applicants
vs.
State of Maharashtra ...Respondent

Mr.H.S.Venegavkar for the Applicants
Ms S.D.Shinde,A.P.P. for State

**CORAM: A.S.OKA,J.**
**DATE : SEPTEMBER 26,2005**

**P.C.:**

1. Heard Advocate for the Applicants and the learned A.P.P. for State. The learned Advocate for the Applicants has brought to my notice the correspondence between the parties which is annexed to the application. He submitted that if the correspondence is perused it becomes obvious that the offence under Sections 498-A, 323 read with section 34 of the Indian Penal Code has been registered against the Applicants on the basis of false complaint filed by the complainant.

2. The learned A.P.P. pointed out that the allegations made in the F.I.R. and submitted that considering the gravity of the allegations, custodial interrogation of the Applicants is necessary. On instructions the learned A.P.P. stated that the document at Exh.C which is the reply sent by the Advocate for the complainant on 18th August 2005 to Applicant No.1 is a genuine document.

3. I have considered the submissions. The F.I.R. has been registered on 26th August 2005. F.I.R. relates to the

incidents which have taken place on 2nd January 2003 to 23rd July 2003. The reply dated 18th August 2005 sent by the Advocate for the complainant to the Applicant No.1 discloses that the complainant was willing to stay with the Applicants in the matrimonial home and in fact according to the case of the complainant, on 11th August 2005 at the intervention of the two gentlemen, she came back to the matrimonial home. As the matrimonial home was locked, the complainant had to go back. The letter dated 18th August 2005 sent on behalf of the complainant shows that even on the day of sending the letter, she was willing to co-habit with the Applicant No.1. One of the grievance in the said letter of the complainant is that when the complainant visited the matrimonial house, it was found to be locked. The F.I.R. was registered by the complainant 8 days after sending of the said letter. In the F.I.R. general and vague allegations have been made against the Applicants which relate to the incidents of 2nd January 2003 to 23rd July 2005.

4. Thus it is obvious that the Applicants will put to unnecessary harassment if relief is not granted to them. Hence, a case is made out for grant of bail.

5. Hence I pass the following order :

i) In the event of the arrest of the Applicants in connection with C.R.No.206 of 2005 registered with Sangli City Police

Station, the Applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.10,000/- (Rupees ten thousand only) each with one or two sureties each in the like amount.

ii) The Bail is granted subject to condition that the Applicants will attend the concerned Police Station as and when called upon to do so till filing of the charge sheet and will cooperate for the purposes of investigation.

iii) The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/investigating agency. The Applicants shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the Applicants only till charge sheet is filed. Thereafter, they will be free to apply to the appropriate Court for appropriate relief.

vi) Application is disposed of in above terms.

vii) Parties to act upon an authenticated copy of this order.

**JUDGE**